REMARKS

The examiner rejected claim 17 as not being described in the specification as the limitation of "creating multiple back up jobs until all backup data is assigned to a back up job".

On page 9 line 21 to page 10 line 4 and in Fig. 6 the specification describes the backup jobs as follows:

"Timer_4 90 starts the backup process. It is programmed to go off at the configured time on the configured day(s) of the week. The program then checks if there are any files to backup 91. This is also a check for the end of back up process. If finished (or nothing left to back up), a CDR 42 containing only the latest database files is generated 99. This is the backup disc for the database files. If there are files to backup 91, in Select Patients step 92 enough patients are selected to fill a 650 MB CD (if there are enough) minus approximately 10 MB which is used for storing system, label, and viewer files. A Backup CD unique serial number is also generated in Select Patients step 92. The patient directories are then moved from Backup Directory 71 to Build Image Directory 75. The same processing as for a patient CD, as described in steps 75 – 77 above then occur steps 93 – 95. Once a backup job is created, the software then goes through a timed delay 96 waiting for the job to finish by checking for job complete 97. Once done, the database is updated with the patient and study information of all the patients on that CD and the CD unique serial number in Update Database step 98. The process starts anew by checking to see if there are any more files to back up 91."

It is believed that the above is sufficient for a person of ordinary skill in the art to support the claim language of claim 17 relating to "creating multiple back up jobs until all backup data is assigned to a back up job".

The examiner rejected claims 15 and 16 citing Pelanek in part stating that Pelanek extracts patient information from the medical data received.

The medical data Pelanek is referring to is the image information from a medical imaging system. The applicant has amended the application to make it clear that the patient

information being extracted is the patent identity information and not patient imaging information as in Pelanek.

The invention in Pelanek is directed to the storage of medical images on a CD for control of the images. The applicant is concerned with obtaining patent identity information for automatically printing such information on the discs for identification of the discs in patient files. Pelanek therefore does not make claims 15 and 16 obvious.

Further, it is emphasized that the applicant is working with DICOM standards in extracting the patient identification information which the prior art does not do.

The examiner stated that Pelanek adds medical data to a job. As noted in Pelanek this is done manually on a computer keyboard as shown at column 3 lines 54-59. In claims 15 and 16 data is automatically extracted from the information on a disk and printed on the disc which is not found in Pelanek.

The examiner stated Pelanek at extracts patent information from at least two patents, column 5 lines 59-62. Pelanek says no such thing. Palenek says it records different types of medical information not just cardiology images. It says nothing about 2 patients as the examiner states.

Now that the applicant has amended the claims to show that it is the patent identity information being automatically extracted from the information on the disc it is believed that the claims as amended are allowable.

Since claim 15 appears to be allowable claims 16, 17 and 18 which are dependent thereon are believed to be allowable.
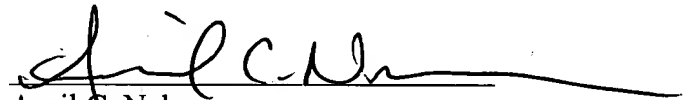
Newly added claims 21 and 22 are based on withdrawn claims 19 and 20 but do not have the objectionable processing of data step as withdrawn claims 19 and 20 had. Now the claims are to extracting the data from the data received rather than processing the data. The claims are now believed to be allowable in the same species as claims 15-18.

CERTIFICATE OF MAILING

I hereby certify that the foregoing Amendment consisting of six (6) pages in response to the Office Action dated June 7, 2007, a Request for Continued Examination (RCE) Transmittal, Petition for Extension of Time Under 37 CFR 1.136(a), a check in the amount of $635.00, a transmittal letter and a return receipt postcard, in application Serial No. 09/753,792, filed on January 3, 2001, of Kurosh Samari-Kermani entitled "MEDICAL DATA RECORDING SYSTEM" is being deposited with the U.S. Postal Service as First Class mail in an envelope addressed to: Commissioner for Patents, P.O. BOX 1450, Alexandria, VA 22313-1450, postage prepaid, on October 31, 2007.

Date of Signature: October 31, 2007.

April Q. Nelson
On Behalf of Steven E. Kahm
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